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June 22, 2004

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efunds Branch
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e: Request for Refund
United States Patent Application No. 09/247,097
Applicant: McCune et al
Title: HIGH-EFFICIENCY AMPLIFIER CUTOUT LEVEL AND BURST CONTROL
Filed: February 9, 1999
TRP Docket No. 034942-130

ear Ms. Connelly:

regards to the above referenced application, a Terminal Disclaimer was filed with the SPTO on May 7, 2004. The amount of \$55.00 was taken from our Deposit Account 50-198. Examiner Rajnikant Patel asked us to fax him a copy of the Terminal Disclaimer which was mailed on May 7, 2004, so that he could work on the file immediately. Again, another \$55.00 was taken from our Deposit Account. That amount representing a duplicate filing fee was taken in error.

is respectfully requested that the sum of \$55.00 be reversed to our Deposit Account No. 1698 as soon as possible. Please call my secretary Diane Morse at 408-282-1857 if you have any questions. Thank you.

Sincerely,

William E. Winters

EW/dm

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PTO/SB/26 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
034942-130

In re Application of: McCune et al.

Application No. 09/247,097

Filed: February 9, 1999

For: HIGH-EFFICIENCY AMPLIFIER CUTOFF LEVEL AND BURST CONTROL

The owner, Tropian, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,636,112. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

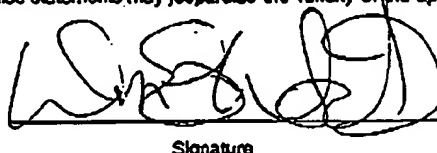
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

 MAY 6, 2004

Signature

Date

William E. Winters

Typed or printed name

408-282-1857

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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